

LCB File No. R149-08

**PROPOSED REGULATION OF THE
BOARD OF WILDLIFE COMMISSIONERS**

COMMISSION GENERAL REGULATION 361

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: NRS 501.105, 501.181, 501.379, 501.381, 503.590, 503.597, & 504.295

A REGULATION relating to wildlife; remove wolves from the list of species for which a license or permit is not required for importation and/or possession; place the wolf on the list of species for which importation and possession is prohibited; establish license or permit requirements for possessing a wolf; establish marking permanent and facility requirements for a wolf.

Section 1. NAC 503.110 and LCB File No. R052-07 are hereby amended to read as follows:

503.110 1. Except as otherwise provided in this section and NAC 504.486, the importation, transportation or possession of the following species of live wildlife or hybrids thereof, including viable embryos or gametes, is prohibited:

(a) Fish:

Common Name	Scientific Classification
(1) Lampreys	All species in the family Petromyzontidae
(2) Freshwater stingray.....	All species in the family Potamotrygonidae
(3) Freshwater shark.....	All species in the genus <i>Carcharhinus</i>
(4) Bowfin	<i>Amia calva</i>
(5) Gars.....	All species in the family Lepisosteidae
(6) Herring and shad, except threadfin shad	All species in the family Clupeidae, except <i>Dorosoma petenense</i>

- (7) European Whitefish All species in the genus *Leuciscus*
- (8) Mexican banded tetra..... *Astyanax mexicanus*
- (9) Piranhas All species in the genera *Serrasalmus*,
Serrasalmo, *Pygocentrus*, *Teddyella*,
Rooseveltiella and *Pygopristis*
- (10) South American Parasitic Catfish..... All species in the families Cetoposidae
and Trichomycteridae
- (11) White perch..... *Morone americana*
- (12) Freshwater drum *Aplodinotus grunniens*
- (13) Grass carp, except certified triploids
as authorized by a special permit.....*Ctenopharyngodon idella*
- (14) Pike top minnow..... *Belonesox belizanus*
- (15) Snakehead..... All species in the genera *Ophicephalus*
and *Channa*
- (16) Walking catfish..... All species in the genera *Clarias*,
Heteropneustes and *Dinotopterus*
- (17) Tiger fish..... *Hoplias malabaricus*
- (18) Sticklebacks All species in the genera *Apeltes*, *Eucalia*,
Gasterosteus and *Pungitius*
- (19) Tilapia..... All species in the genera *Tilapia* and
Sarotherodon
- (20) Nile perch All species in the genera *Lates* and
Luciolates

- (21) Goldeye..... All species in the genus *Hiodon*
- (22) Carp:
- (I) Bighead..... *Hypophthalmichthys nobilis*
- (II) Black (snail) *Mylopharyngodon piceus*
- (III) Crucian..... *Carassius carassius*
- (IV) Indian..... *Catla catla*, *Cirrhina mrigala* and *Labeo rohita*
- (V) Silver..... *Hypophthalmichthys molitrix*
- (23) Rudd..... *Scardinius erythrophthalmus*
- (24) Northern Pike..... *Esox lucius*

(b) Reptiles:

- | Common Name | Scientific Classification |
|---|---|
| (1) Alligators and caimans | All species in the family Alligatoridae |
| (2) Crocodiles..... | All species in the family Crocodylidae |
| (3) Gharial (gavial)..... | All species in the family Gavialidae |
| (4) Bird snake | All species in the genus <i>Thelotornis</i> |
| (5) Boomsnang | <i>Dispholidus typus</i> |
| (6) Keelbacks..... | All species in the genus <i>Rhabdophis</i> |
| (7) Burrowing Asps..... | All species in the family Atractaspidae |
| (8) Coral snakes, cobras, kraits, mambas
and Australian elapids..... | All species in the family Elapidae, except
species in the subfamily Hydrophiinae |

(9) Pit vipers and true vipers, except

species indigenous to this StateAll species in the family Viperidae, except

species indigenous to this State

(10) Snapping Turtles..... All species in the family Chelydridae

(c) Amphibians:

Common Name

Scientific Classification

(1) Clawed frogs..... All species in the genus *Xenopus*

(2) Giant or marine toads *Bufo horribilis*, *Bufo marinus* and *Bufo*
paracnemis

(d) Mammals:

Common Name

Scientific Classification

(1) Wild Dogs or Dhole..... *Cuon alpinus*

(2) Raccoon Dog *Nyctereutes procyonoides*

(3) Mongooses and Meerkats All species in the genera *Atilax*, *Cynictis*,
Helogale, *Mungos*, *Suricate*, *Ichneumia*
and *Herpestes*

(4) Wild European Rabbit *Oryctolagus cuniculus*

(5) Multimammate Rat or Mouse..... All species in the genus *Mastomys*
(=*Praomys*)

(6) Bats All species in the order Chiroptera

(7) Nutria *Myocastor coypus*

(8) Coyote..... *Canis latrans*

- (9) Foxes..... All species in the genera *Vulpes*, *Fennecus*,
Urocyon, *Alopex*, *Lycalopex* and *Pseudalopex*
- (10) Raccoon *Procyon lotor*
- (11) Skunk All species in the genera *Spilogale*, *Mephitis* and
Conepatus
- (12) Wild pigs and hogs All species in the family Suidae, except domestic
breeds of *Sus scrofa*
- (13) Axis deer..... *Cervus* (=Axis) *axis*, *C. porcinus*, *C. kuhli* and *C.*
calamianesis
- (14) Red deer, elk and wapiti All subspecies of *Cervus elaphus*
- (15) Rusa deer *Cervus timorensis*
- (16) Sambar deer *Cervus unicolor*
- (17) Sika deer *Cervus nippon*
- (18) Roe deer..... *Capreolus capreolus* and *C. pygargus*
- (19) White-tailed deer *Odocoileus virginianus*
- (20) Moose *Alces alces*
- (21) Reedbucks..... All species in the genus *Redunca*
- (22) Oryx and Gemsbok..... All species in the genus *Oryx*
- (23) Addax..... *Addax nasomaculatus*
- (24) Blesbok, Topi and Bontebok All species in the genus *Damaliscus*
- (25) Hartebeests..... All species in the genera *Alcelaphus* and
Sigmoceros
- (26) Wildebeest and Gnus All species in the genus *Connochaetes*

- (27) Chamois *Rubicapra rubicapra* and *R. pyrenaica*
- (28) Tahr..... All species in the genus *Hemitragus*
- (29) Ibex, Wild Goats, Tur and Markhor ... All species in the genus *Capra*, except domestic goats, *Capra hircus*
- (30) Barbary (Aoudad) Sheep *Ammotragus lervia*
- (31) Mouflon sheep, Urial, Bighorn and Argali All species in the genus *Ovis*, except domestic sheep, *Ovis aries*
- (32) Wolf *Canis lupus, C. rufus, any subspecies thereof and any hybrid thereof***

(e) Birds:

Common Name	Scientific Classification
(1) Pink Starling or Rosy Pastor.....	<i>Sturnus roseus</i>
(2) Red-billed Dioch.....	<i>Quelea quelea</i>
(3) Red-whiskered Bul-bul.....	<i>Pycnonotus jososus</i>

(f) Crustaceans:

Common Name	Scientific Classification
(1) Asiatic mitten crab.....	<i>Eriocheir sinensis</i>
(2) Crayfish	All species in the families Parastacidae, Ambaridae and Astacidae, except <i>Procambarus clarkii, Orconectes causii</i> and indigenous species of the genus <i>Pacifastacus</i>

(g) Mollusks:

Common Name

Scientific Classification

(1) African giant snail *Achatina fulica*

(2) Zebra and quagga mussels.... All species *in the genus Dreissena*

(3) New Zealand mud snail *Potamopyrgus antipodarum, P. jenkinsi*

2. The headquarters of the Department and each regional office of the Department will maintain a physical description and picture of each species listed in this section when reasonably available.

3. The Department may issue a *scientific collection* permit or *a commercial license for the possession of live wildlife, whichever is applicable*, for the importation, transportation or possession of a species listed in this section only to:

(a) A zoo or aquarium which is an accredited institutional member of the Association of Zoos and Aquariums or its successor.

(b) A person who displays, exhibits or uses the species for entertainment or commercial photography, including, without limitation, motion pictures, still photography or television, if the species:

(1) Is accompanied by evidence of lawful possession;

(2) Is not in this State for more than 90 days; and

(3) Is maintained under complete control and prohibited from coming into contact with members of the general public.

↪ If the person is displaying, exhibiting or using mammals for commercial purposes other than for food or fiber, he must possess the appropriate license issued by the United States Department of Agriculture.

- (c) A college, university or governmental agency, for scientific or public health research.
 - (d) Any other scientific institution, as determined by the Department, for research or medical necessity.
 - (e) Any person engaged in commercial aquaculture, upon application and proof to the Department that the activity will not be detrimental to aquatic life, other wildlife or recreational uses. As a condition of the issuance to such a person of a license for the possession of a species listed in this section, a bond may be required to provide for the removal of any species to which the license applies that may escape or be released from captivity for any reason. The amount of the bond will be determined by the Department after considering the degree of potential hazard to wildlife.
 - (f) A tax-exempt nonprofit organization that exhibits wildlife solely for educational or scientific purposes.
4. An interstate shipment of a species listed in this section may be transported through this State, without a permit or license issued by the Department, if:
- (a) The shipper or transporter has evidence of lawful possession of the species issued by the state or country where the species originated;
 - (b) Mammals, birds or fish are accompanied by a health certificate issued by the state or country where the species originated that indicates the destination, origin and proof of ownership of the species being transported;
 - (c) The species is in this State for less than 48 hours; and
 - (d) The species is not unloaded or otherwise released while being transported through this State.
5. This section does not apply to the Department when it is conducting authorized

introductions or transplantations of a native species of big game mammal listed in this section.

Sec. 2. NAC 503.140 is hereby amended to read as follows:

503.140 1. Except as otherwise provided in subsection 4 and NAC 503.500 to 503.535, inclusive, the following animals may be possessed, transported, imported and exported without a permit or license issued by the Department:

- (a) Canaries;
- (b) Toucans;
- (c) Lovebirds;
- (d) Nonindigenous house finches;
- (e) Parakeets;
- (f) Cockatiels;
- (g) Mynah birds;
- (h) Parrots;
- (i) Hamsters;
- (j) Domesticated races of rats and mice;
- (k) Gerbils;
- (l) Guinea pigs;
- (m) Monkeys and other primates;
- (n) Aquarium fish;
- (o) Marsupials;
- (p) Elephants;
- (q) All felines, except mountain lions and bobcats;
- (r) ~~Wolves~~;

~~(s)~~ Camels (*Camelus* spp.);
~~(t)~~ (s) European ferret (*Mustela putorius*);
~~(u)~~ (t) Llamas (*Lama glama*);
~~(v)~~ (u) American Bison;
~~(w)~~ (v) Marine mammals;
~~(x)~~ (w) Ostrich (*Struthio* spp.);
~~(y)~~ (x) Emus (*Dromiceius* spp.);
~~(z)~~ (y) Rheas (*Rhea* spp.);
~~(aa)~~ (z) Nonvenomous, nonindigenous reptile species and subspecies;
~~(bb)~~ (aa) Albino forms of indigenous reptile species;
~~(ee)~~ (bb) Alpaca (*Lama pacos*);
~~(dd)~~ (cc) Guinea fowl (*Numida meleagris*);
~~(ee)~~ (dd) Old World species of pheasants, partridges, quails, francolin, peafowl and jungle fowl (nonendemic species of the subfamily *Phasianae*), except:

- (1) Chukar partridge;
- (2) Hungarian (gray) partridge;
- (3) Snow cock; and
- (4) Ring-necked and white, winged pheasant;

~~(ff)~~ (ee) Domesticated races of turkey (*Meleagris gallopavo*), distinguished morphologically from wild birds;

~~(gg)~~ (ff) Domesticated races of ducks and geese (*Anatidae*), distinguished morphologically from wild birds;

~~(hh)~~ (gg) Domesticated races of chinchillas;

~~[(ii)]~~ **(hh)** Domesticated races of mink;

~~[(jj)]~~ **(ii)** Waterfowl reared in captivity that are lawfully acquired pursuant to the regulations adopted by the United States Fish and Wildlife Service;

~~[(kk)]~~ **(jj)** Those species of ducks, geese and swans not listed as protected pursuant to the Migratory Bird Treaty Act, 16 U.S.C. §§ 703 et seq.;

~~[(H)]~~ **(kk)** Yak (*Bos grunniens*);

~~[(mm)]~~ **(ll)** Cassowary;

~~[(nn)]~~ **(mm)** Coturnix quail (*Coturnix coturnix*);

~~[(oo)]~~ **(nn)** Zebra (*Equus* spp.);

~~[(pp)]~~ **(oo)** Salt water fish, crustaceans and mollusks;

~~[(qq)]~~ **(pp)** Nonindigenous species of amphibians, except:

(1) Bullfrogs (*Rana catesbeiana*); and

(2) Species listed in NAC 503.110;

~~[(rr)]~~ **(qq)** African pygmy hedgehogs (*Atelerix albiventris*); and

~~[(ss)]~~ **(rr)** California kingsnakes (*Lampropeltis getulus californiae*) that do not have between their head and vent a continuous pattern of bands or rings regardless of whether the bands or rings are opened or closed.

2. Species listed in this section must not be released into the wild, except as otherwise authorized by the Department in writing.

3. Except as otherwise provided in subsection 4, lawfully acquired species listed in this section may be sold in Nevada.

4. This section does not authorize the sale, possession, transportation, importation or exportation of animals in violation of any applicable federal or state law, county or city ordinance, or any regulation adopted pursuant thereto.

5. As used in this section, “aquarium fish” includes all the species of fish, except the species listed in NAC 503.110, which are listed in H. Axelrod and W. Vorderwinkler, *Encyclopedia of Tropical Fishes*, 29th ed., 1988. A copy of that publication may be obtained from T.F.H. Publications, Inc., One T.F.H. Plaza, Neptune City, New Jersey 07753, for a price of \$17.59.

Sec. 3. Chapter 504 of NAC is hereby amended by adding thereto the provisions set forth as sections 4 to 6, inclusive, of this regulation:

Sec. 4. *A person who, on the effective date of this regulation, possesses any wolf, Canis lupus, C. rufus, any subspecies thereof, or any hybrid thereof, or any canine exhibiting primary wolf characteristics as described in subsection 4. of Section 6 may continue to possess that animal and its progeny for the life of that animal and its progeny provided that the person applies for and obtains a scientific collection permit, a noncommercial license for the possession of live wildlife or a commercial license for the possession of live wildlife, whichever is applicable, within 90 days of the effective date of this regulation. The animal and its progeny:*

1. Must not be sold, bartered, given away or traded within this State except to a person who holds a scientific collection permit which allows the possession of wolves.

2. May be exported out of this State pursuant to applicable federal and state laws and any regulations adopted pursuant thereto.

Sec. 5. *1. Except as otherwise provided in NAC 504.486, a person, before importing, possessing or obtaining a wolf or a canine exhibiting primary wolf characteristics, must apply*

to the department for a scientific collection permit or a commercial license for the possession of live wildlife, whichever is applicable, subject to the following:

a. An application for a permit or license shall be made on a form prescribed by the Department and must be completed and returned to the Department.

b. If the animal has not been permanently tattooed, the animal must be permanently tattooed with a five digit alpha-numeric, beginning with NV, assigned by the Department.

c. The tattoo shall be placed on the right flank or inside of the right ear by a qualified veterinarian.

d. The veterinarian shall certify that the animal has been tattooed on the permit or license application.

e. Young animals do not require tattooing until the age of six (6) months.

2. The following are considered primary wolf characteristics:

a. Eyes shine greenish orange;

b. Ears rounded and smaller in proportion to those of the coyote;

c. Snout is broad with nose pad wider than one (1) inch;

d. Legs are long, an adult would stand at approximately twenty-six (26) to thirty-two (32) inches at the shoulder;

e. Length is four and one-half (4.5) to six (6) feet from the tip of the nose to the tip of the tail;

f. An adult weighs at least eighty (80) pounds;

g. Tail is carried high or straight out when running;

h. Fur is long and coarse, varies from white to black but is generally grayish in coloration resembling the coyote. The underparts are not as white and the legs and feet are not as red as those of the coyote.

3. Any person who possesses and maintains a wolf within the State, upon the effective date of this regulation, is eligible to apply for and obtain a noncommercial license for the possession of live wildlife so long as the animal and any of its progeny is possessed for strictly personal, noncommercial purposes. Animals held under a noncommercial license shall not be sold, bartered, traded, rented, maintained for public display, or maintained in or adjunct to any commercial establishment.

Sec. 6. *1. Any wolf that is born in captivity must be reported by the permittee or licensee, in writing or electronically, to the department within three (3) days of it's birth. The department shall provide the permittee or licensee with the tattoo number to be placed on the animal pursuant to subsection 2.*

2. Each animal required to be reported pursuant to subsection 1. shall be permanently tattooed as described in Sec. 5., within _???_ weeks of its birth.

3. Any person holding a wolf in captivity shall immediately report to the department any death, escape, release, transfer of custody or other disposition of the animal.

4. Any canine exhibiting primary wolf characteristics shall be classified as a wolf for the purpose of identification. All such canines shall be tattooed and licensed by the department.

Sec. 7. NAC 504.450 is hereby amended to read as follows:

504.450 **1.** As used in NAC 504.450 to 504.488, inclusive, unless the context otherwise requires, "license" means a license for the possession of live wildlife issued by the Department pursuant to NRS 504.295.

2. A noncommercial license authorizes the possession of live wildlife for strictly personal, noncommercial purposes. Wildlife held under such a license shall not be sold, bartered, traded, rented, placed on public display or exhibit, maintained in or adjunct to a commercial establishment or otherwise used in a commercial manner.

3. A commercial license authorizes the possession of live wildlife for commercial purposes, which may be restricted dependant upon the species, including but not limited to, sale, barter, trade, rental, public exhibition or display, maintenance in or adjunct to a commercial establishment.

Sec. 8. NAC 504.474 is hereby amended to read as follows:

504.474 1. A person who holds a commercial or noncommercial license for ungulates, bobcats, mountain lions , *wolves*, or black bears shall maintain on the premises where the species is most often kept holding and handling facilities that enable the handling, marking and individual identification of the species he possesses under the authority of that license.

2. The provisions of this section also apply to a person who possesses a wolf under the authority of a scientific collection permit.

Sec. 9. NAC 504.476 is hereby amended to read as follows:

504.476 1. Any person who, on or after February 28, 1994, applies for and is granted an initial commercial or noncommercial license for bobcats, mountain lions , *wolves*, or black bears shall maintain, on the premises where the species is most often kept, a cage or open-top enclosure for the species that meets or exceeds the minimum requirements set forth in this section.

2. Any cage for bobcats, mountain lions, *wolves*, or black bears must have:

(a) Sides constructed of:

(1) Woven wire or chain link which is no smaller than 11 gauge for bobcats and 9 gauge for mountain lions or black bears; or

(2) A solid material that cannot be destroyed by the species contained therein;

(b) A top constructed of woven wire or chain link which is no smaller than 11 gauge;

(c) A floor:

(1) Constructed of cement or concrete at least 3 inches thick into which metal fence posts are permanently secured; or

(2) Made of dirt with buried chain link or a similar material that will preclude the species from digging through the floor and escaping; and

(d) Double doors constructed in such a manner that the exterior door must be closed before the interior door can be opened. Each door must be secured by a lock.

3. Any open-top enclosure for bobcats, mountain lions , *wolves*, or black bears must comply with the following minimum requirements:

(a) The enclosure must have a perimeter fence which is:

(1) At least 8 feet high for its entire length;

(2) Constructed of:

(I) Woven wire or chain link which is no smaller than 11 gauge for bobcats and 9 gauge for mountain lions or black bears; or

(II) A solid material that cannot be destroyed by the species contained therein; and

(3) Supported by posts or stays located at intervals of not more than 10 feet.

(b) A double overhang (Y-cantilever) of barbed or electrified wire, or smooth wire which is no smaller than 9 gauge, must be installed at the top of the perimeter fence with one cantilever

tilted in at a 45-degree angle and the other tilted out at a 45-degree angle. The cantilevers must be not less than 12 inches in length.

(c) For:

(1) Bobcats and mountain lions, the bottom of the perimeter fence must be secured to the ground in such a manner as to prevent the ingress and egress of the species; and

(2) Black bears *and wolves*, buried mesh wire which is no smaller than 11 gauge must extend laterally 3 feet to the inside of the enclosure for the length of the perimeter fence in such a manner as to prevent the species from digging under the fence and escaping.

(d) Any trees or obstacles that would allow bobcats, mountain lions , *wolves*, or black bears to exit or enter the enclosure must be removed.

(e) Any gate in the perimeter fence must be:

(1) Designed to close by itself; and

(2) Equipped with two locking devices.

4. Any cage or open-top enclosure for bobcats, mountain lions, *wolves*, or black bears must be maintained in a condition that prevents the ingress and egress of the species. If any bobcats, mountain lions , *wolves*, or black bears pass through, under or over the cage or open-top enclosure, the licensee shall immediately repair or alter the cage or open-top enclosure to prevent the continued passage.

5. The provisions of this section also apply to persons who possess a wolf under the authority of a scientific collection permit.

6. A person who possesses and maintains a wolf within the State will have one year from the effective date of this regulation to comply with the provisions of this section.